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July 22, 2022

VIA ECF

Hon. Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *E.M. et. al. v. NYC Dep't of Educ., No. 22-cv-5140 (PGG)(KHP)*

Dear Judge Gardephe:

I am Special Assistant Corporation Counsel in the office of Corporation Counsel, Sylvia O. Hinds-Radix, attorney for Defendant in the matter referenced above, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act 20 U.S.C. §1400, *et. seq.* ("IDEA"), as well as for this action.

The parties have conferred and make the following applications to the Court:

- (1) Plaintiff seeks permission to file an amended complaint to add a claim for an additional school year, on or before August 10, 2022. Defendant consents to this extension;
- (2) An extension of Defendant's time to file an answer to the complaint, or amended complaint from July 22, 2022 to October 16, 2022. Plaintiff consents to this extension, and, accordingly;
- (3) An adjournment, *sine die* of the Initial Conference currently scheduled for September 8, 2022.

It is the parties' intention to utilize the additional time to work towards a resolution of this case without the need for conferences or motion practice.

Accordingly, the parties respectfully request that the Court accept this submission and permit Plaintiff to file an amended complaint by August 10, 2022, extend Defendant's deadline to respond to the complaint to October 16, 2022, and adjourn the Initial Conference *sine die*.

Thank you for considering these requests.

Respectfully submitted,

Simone Nicholson

/s/ W. Simone Nicholson

Special Assistant Corporation Counsel

cc: Erin O'Connor, *Of Counsel* (via ECF)

Memo Endorsed: Plaintiff will file an amended complaint by August 10, 2022. Defendant will respond to the amended complaint by October 16, 2022. The initial pre-trial conference currently scheduled for September 8, 2022 is adjourned sine die. The parties will submit a joint letter apprising the Court of the status of the parties' attempted resolution of this case by October 16, 2022.

SO ORDERED.



Paul G. Gardephe

United States District Judge

Dated: July 26, 2022